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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,215	11/24/1999	YASEEN SAMARA	15-IS-5290	6012

7590

04/18/2003

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EXAMINER

KIM, CHONG R

ART UNIT

PAPER NUMBER

2623

9

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/449,215

Applicant(s)

SAMARA ET AL.

Examiner

Charles Kim

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: (see explanation on the attached DETAILED ACTION).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: (attached PTO-892)

DETAILED ACTION***Response to Arguments***

1. The Applicant's After-Final submissions filed on April 2, 2003 have been entered and made of record.
2. Applicant's arguments have been fully considered, but they are not deemed to be persuasive for at least the following reasons.
3. Applicants argue (page 11) that their claimed invention (claims 1, 14, and 23) differs from the prior art because "neither Wood nor Alvarez, alone, or in any proper combination, discloses, teaches, suggests, or provides any motivation for an image management system in which two dimensional images that are stored on a PACS server are communicated to a PACS workstation and a 3D rendering is performed on the PACS workstation." As noted in the previous office action, Wood teaches a medical image management system in which two-dimensional medical images are stored on an image server, and are communicated to an image workstation, and 3D rendering is performed on the image workstation.

The Examiner admits that Wood fails to specify that the image server is a PACS server and the image workstation is a PACS workstation. However, PACS systems (servers and workstations) were exceedingly well known in the art, and commonly used to enable medical facilities to streamline patient information and cut the enormous costs associated with film development and courier fees. PACS systems were comprised of image servers and image workstations that included the functions of archiving and communicating medical images. As noted in the previous office action, Alvarez teaches

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a PACS server and PACS workstation that is used to view/transmit ultrasonic images for 3D rendering (col. 6, lines 22-29). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Wood and Alvarez are both concerned with the management (viewing, archiving, communicating) of ultrasound images, and provide a system that includes image servers and workstations for constructing three-dimensional renderings for diagnostic purposes. Wood's server is connected to access ultrasonic images and reports, and makes them accessible to a personal computer, terminal or workstation at a remote location (Wood, col. 3, lines 20-24). Alvarez's PACS system increases flexibility by allowing older systems to access the images on the image server (Alvarez, col. 6, lines 22-29). The ordinary artisan would have been motivated to combine the teachings of Wood and Alvarez in order to provide a system that can interact with a plurality of medical imaging workstations, thereby increasing efficiency and flexibility. Therefore, it would have been obvious to combine the teachings of Wood and Alvarez so that the two dimensional images are stored on a PACS server, and are communicated to a PACS workstation, and 3D rendering is performed on the PACS workstation.

Applicants further argue (page 12) that "the (conventional) stand alone workstations were set up to perform 3D image rendering", and that "the stand alone

workstations were not PACS workstations". As disclosed above, PACS workstations were comprised of image workstations that were utilized for medical image archiving and communications. Wood and Alvarez both teach systems that include servers and workstations for archiving and communicating medical images. Therefore, the combination of Wood and Alvarez still appears to be applicable to the claimed invention (claims 1, 14, and 23).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Concurrent Processing for Picture Archiving and Communication System (PACS)" by Chong et al. discloses a PACS server and PACS workstation, and performing 3D rendering on the PACS workstation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 703-306-4038. The examiner can normally be reached on Monday thru Thursday 8:30am to 6:00pm and alternating Fridays 9:30am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

ck

April 15, 2003


Jon Chang
Primary Examiner